

Entered - 08/26/04 - sb
CL04L0550 - DIANNE C. MITCHELL

CLAIM OF: **DE LAGE LANDEN FINANCIAL
SERVICES**, through its agent,
Advanced Recovery Systems
901 East Eighth Avenue
Suite 206
King of Prussia, PA 19406

04-R-1905

For damages alleged to have been sustained as a result of
non-payment of a lease agreement on July 2, 1996 at the
office of the Atlanta Empowerment Zone Corporation.

THIS ADVERSED REPORT IS APPROVED

BY:


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 10/26/04

CHAIR:

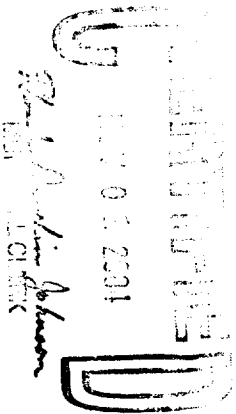
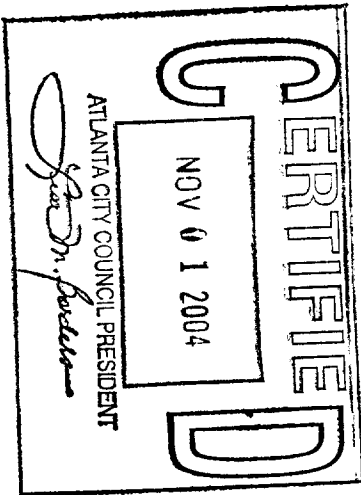
Clara Henderson

C. T. Martin

Mary Newman

Howard Shoff

Carla Smith



ADVERSED BY
CITY COUNCIL

NOV 01 2004



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

November 9, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273

Advanced Recovery Systems
Agent
901 East Eighth Avenue
Suite 206
King of Prussia, PA 19406

04-R-1905

RE: DeLage Landen Financial Services

Dear Madam/Sir:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on November 01, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0550

Date: October 12, 2004

Claimant /Victim DE LAGE LANDEN FINANCIAL SERVICES
BY: (Atty)(Ins. Co.) Advanced Recovery Services
Address: 901 East Eight Avenue, Suite 206, King of Prussia, PA 19406
Subrogation: Claim for Property damage \$ 21,672.00 Bodily Injury \$
Date of Notice: 08/25/04 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 07/02/96 Place: Atlanta Empowerment Zone Corp. Offices
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant is demanding payment on a furniture lease agreement it entered into with the Atlanta Empowerment Zone Corporation. However, the Atlanta Empowerment Zone Corporation was a separate legal entity from the City of Atlanta, said Corporation has been dissolved through the Georgia Secretary of State's Office. The City of Atlanta is not responsible for any debts incurred during the time that the Atlanta Empowerment Zone Corporations existed. The claimant has been advised of the above.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

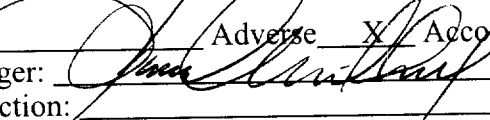
BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager:  Concur/date 10/13/04
Committee Action: Council Action

RCS# 6199
11/01/04
1:42 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 3-15

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Sheperd	NV Borders

CONSENT I

		11-01-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1626 2. 04-O-1795 3. 04-O-1796 4. 04-O-1828 5. 04-O-1819 6. 04-O-1929 7. 04-O-1758 8. 04-O-1932 9. 04-O-1430 10. 04-O-1926 11. 04-O-1885 12. 04-O-1937 13. 04-O-1941 14. 04-R-1893 15. 04-R-1894 16. 04-R-1895 17. 04-R-1916 18. 04-R-1917 19. 04-R-1918 20. 04-R-1920 21. 04-R-1896 22. 04-R-1897 23. 04-R-1898 24. 04-R-1899 25. 04-R-1930 26. 04-R-1884 27. 04-R-1886 28. 04-R-1888 29. 04-R-1889 30. 04-R-1890 31. 04-R-1891 32. 04-R-1928 33. 04-R-1938 34. 04-R-1870 35. 04-R-1871 36. 04-R-1874 37. 04-R-1945	38. 04-R-1878 39. 04-R-1940 40. 04-R-1908 41. 04-R-1909 42. 04-R-1910 43. 04-R-1911 44. 04-R-1912 45. 04-R-1913 46. 04-R-1914 47. 04-R-1915	48. 04-R-1162 49. 04-R-1172 50. 04-R-1178 51. 04-R-1782 52. 04-R-1900 53. 04-R-1901 54. 04-R-1902 55. 04-R-1903 56. 04-R-1904 57. 04-R-1905 58. 04-R-1906 59. 04-R-1907